

Wednesday, April 23, 1913

The Senate met pursuant to adjournment.

The President in the Chair.

The roll being called the following Senators answered to their names:

Mr. President, Senators Adkins, Blitch, Brown, Calkins, Carney, Cone, Conrad, Cooper Culpepper, Davis, Donegan, Finlayson, Himes, Hudson, Igou, Johnson, L'Engle, Lindsey, Malone, McCreary, McGeachy, McLellan, McLeod, Roddenberry, Stringer, Stokes, Wall, Watson, Wells, Wilson, Zim—32.

A quorum present.

Prayer by the Chaplain.

The reading of the Journal dispensed with.

The Journal of April 22d was corrected.

The Journal of April 22d was approved as corrected.

The following corrections to the Joint Rules were offered by Mr. Finlayson, Chairman of the Committee on Rules and Procedure, in the Journal of April 21, 1913:

On page 5, line 20, strike out the word "by" and insert the word "be" in lieu thereof; in 27th line stroke out parenthesis after "unless" and insert same after "otherwise" in 28th line; in 30th line strike out the word "by" and insert the word "be" in lieu thereof.

On page 6, in 10th line, strike out the word "sentences" and insert "sentence" in lieu thereof.

Mr. Finlayson moved that the above corrections to the Rules of the Senate as printed in Journal be adopted.

Which was agreed to.

INTRODUCTION OF RESOLUTIONS.

Mr. McClellan offered the following:
Senate Resolution No. 25:

As Chairman of the Committee on Engrossed Bills, I

hereby ask authority to rent a new typewriter for use in the Senate Engrossing Room, the present machine being old, and not capable of doing the work satisfactorily.

Which was read the first time.

Mr. Johnson moved that the rules be waived and that the Resolution be adopted.

Which was agreed to.

INTRODUCTION OF BILLS.

By Mr. Stringer—
Senate Bill No. 214:

A Bill to be entitled An Act to amend Section 1587 of General Statutes of the State of Florida, relating to providing meals for juries.

Which was read the first time by its title and referred to the Committee on Judiciary A.

By Mr. Stringer (by request)—
Senate Bill No. 215:

A Bill to be entitled An Act to provide for the compiling and publishing of the Rules of Practice for the government of the various courts of the State.

Which was read the first time by its title and referred to the Committee on Judiciary B.

By Mr. Himes—
Senate Bill No. 216:

A Bill to be entitled An Act to prescribe the limitation within which may be brought an action for the death of any person in the State of Florida, caused by wrongful act, negligence, carelessness or default of any individual or individuals, or by the wrongful act, negligence, carelessness or default of any corporation, or by the wrongful act, negligence, carelessness or default of any agent of any corporation acting in his capacity of agent for such corporation.

Which was read the first time by its title and referred to the Committee on Judiciary B.

By Mr. McLeod (By Request)—
Senate Bill No. 217:

A Bill to be entitled An Act to increase the pension of John G. Griffis.

Which was read the first time by its title and referred to the Committee on Pensions.

By Mr. Drane—
Senate Bill No. 218:

A Bill to be entitled An Act to provide for the appointment of a State entomologist and plant pathologist (and to fix his term of office, salary and place of office), and the employment of necessary deputies and agents; to make it unlawful to knowingly grow, sell, exchange, give away, transport, keep or permit to be kept, any article or thing infested or infected with injurious insects or other plant or bee pests or injurious fungus, bacterial or other plant or bee disease; to make it the duty of the Board of Control to make rules and regulations for the prevention, control and eradication of said injurious insects, pests and diseases; to provide for the oath and bond of the State entomologist and plant pathologist; to provide for printing and distributing of said rules and regulations and bulletins; to provide for the precaution, control and eradication of the Mexican Cotton Boll Weevil; to provide for the costs and charges to be borne for inspection, treatment, and destruction of property in the interest of horticulture and to make the same liens; to fix penalties for the violation of this Act and the rules and regulations thereunder; to make an appropriation to carry out the purposes of this Act; to provide for reports by the State Board of Education, Board of Control, Treasurer, and Comptroller and to repeal all laws or parts thereof inconsistent herewith.

Which was read the first time by its title and referred to the Committee on Agriculture and Forestry.

By Mr. Stokes (By Request)—
Senate Bill No. 219:

A Bill to be entitled An Act to amend Section 2890, 2891, 2893, 2894, 2896, 2899, 2900, 2901, 2903, 2904, 2905, 2908, 2910, 2914, 2917, 2918 and 2924 of the General

Statutes of this State, relating to the Railroad Commissioners and the regulation of common carriers.

Which was read the first time by its title and referred to the Committee on Railroads and Telegraph, and 200 copies ordered printed.

By Mr. McGeachy—
Senate Bill No. 220:

A Bill to be entitled An Act to legalize and validate a call for an election, and an election held in pursuance of such call in the Town of Milton, Santa Rosa County, Florida, on the 26th day of April, A. D. 1910, for the purpose of determining whether or not said town should issue certain bonds, and to legalize and validate the bonds issued in pursuance of said election.

Which was read the first time by its title and referred to the Committee on Judiciary A.

By Mr. McGeachy—
Senate Bill No. 221:

A Bill to be entitled An Act to amend Chapter 6374 of the Laws of Florida, Act of 1911, the same being An Act to legalize and validate a call for an election, and an election held in pursuance of such call in the Town of Milton, Santa Rosa County, Florida, on the 26th day of April, A. D. 1910, for the purpose of determining whether or not said town should issue certain bonds, and to legalize and validate the bonds issued in pursuance of said election.

Which was read the first time by its title and referred to the Committee on Judiciary A.

By Mr. L'Engle (By Request)—
Senate Bill No. 222:

A Bill to be entitled An Act relating to the policing of certain counties of the State of Florida.

Which was read the first time by its title and referred to the Committee on Judiciary B.

By Mr. L'Engle (By Request)—
Senate Bill No. 223:

A Bill to be entitled An Act relating to the sale of real property of any county of the State of Florida.

Which was read the first time by its title and referred to the Committee on Judiciary B.

By Mr. L'Engle—
Senate Bill No. 224:

A Bill to be entitled An Act to amend Chapter 5437 of the Laws of Florida, approved May 11, 1905, entitled "An Act regulating the running of automobiles or motor vehicles on the public roads or highways in the State of Florida.

Which was read the first time by its title and referred to the Committee on Public Roads and Highways.

By Mr. Conrad (By Request)—
Senate Bill No. 225:

A Bill to be entitled An Act authorizing and making it the duty of Sheriffs, Deputy Sheriffs, Constables, Game Wardens and Deputy Game Wardens to seize, and hold for evidence, fish nets found in or about places where the use of such nets is unlawful.

Which was read the first time by its title and referred to the Committee on Game and Fisheries.

By Mr. Wells—
Senate Bill No. 226:

A Bill to be entitled An Act providing for an annual tax to be paid on all dogs, prescribing the manner in which said tax shall be paid and prescribing a penalty for any violations of this Act.

Which was read the first time by its title and referred to the Committee on Finance and Taxation.

Mr. Finlayson moved that the Vetoed Bills, session of the Legislature of 1911, now on the Calendar, as per order of yesterday, be referred to the proper committees.

Which was agreed to.

Mr. Johnson moved that the reading of titles of Vetoed Bills be made from the Senate Calendar.

Which was agreed to.

And Vetoed Bills were read by titles, and referred to committees.

ORDER OF DAY.

By unanimous consent, Mr. Wall called up—
Senate Bill No. 8:

A Bill to be entitled An Act to repeal Chapter 6297 of the Acts of 1911, Laws of Florida relating to reclamation and drainage of certain lands in Putnam County, Florida; to provide for the refunding of any unexpended moneys collected as drainage tax under the provisions of said Chapter 6297, and provide for the cancellation of any tax certificates outstanding which may have been issued on account of taxes levied under the provisions of Chapter 6297, Acts of 1911.

Senate Bill No. 8:

Was taken up.

Mr. Wall moved that the rules be waived and that Senate Bill No. 8 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And—

Senate Bill No. 8 was read a second time by its title.

Mr. Wall moved that the rules be further waived and that Senate Bill No. 8 be read a third time and put upon its passage.

Which was not agreed to by a two-thirds vote.

Senate Bill No. 8 was advanced to Senate Special Calendar of Bills on third reading.

REPORTS OF COMMITTEES.

Mr. Zim, Chairman of Committee on Organized Labor, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 22, 1913.

Hon. H. J. Drane,
President of the Senate.
 Sir:

Your Committee on Organized Labor, to whom was referred—

Senate Bill No. 2:

A Bill to be entitled An Act providing for the establishment of a Bureau of Labor Statistics, and the appointment of a Commission.

Have had same under consideration and beg to submit therefor a substitute, and recommend that it do pass.

Very respectfully,

LOUIS W. ZIM,
 Chairman of Committee.

Senate Bill No. 2, contained in the above report, was placed on Calendar of Bills on second reading.

Mr. A. Z. Adkins, Chairman of Committee on Judiciary A, submitted the following report:

Senate Chamber,
 Tallahassee, Fla., April 22, 1913.

Hon. H. J. Drane,
President of the Senate.

Sir:

Your Committee on Judiciary A, to whom was referred—

Senate Bill No. 174:

A Bill to be entitled An Act to prescribe the practice in chancery procedure relative to answers and cross-bills in such cases.

Have had the same under consideration and recommend that it do pass.

Also—

Senate Bill No. 173:

A Bill to be entitled An Act defining the duty of the Supreme Court of Florida in regard to transcripts of records and bills of exception.

Had the same under consideration and recommend that it do pass.

Also—

Senate Bill No. 160:

A Bill to be entitled An Act to regulate the employment of minor children in the State of Florida and to provide for the penalties for the violations thereof.

Had the same under consideration and recommend that it do pass, with amendments.

Very respectfully,

A. Z. ADKINS,
 Chairman of Committee.

Senate Bills Nos. 174, 173 and 160, contained in the above report, were placed on Calendar of Bills on second reading.

Mr. A. Z. Adkins, Chairman of Committee on Judiciary A, submitted the following report:

Senate Chamber,
 Tallahassee, Fla., April 22, 1913.

Hon. H. J. Drane,
President of the Senate.

Sir:

Your Committee on Judiciary A, to whom was referred—

Senate Bill No. 163:

A Bill to be entitled An Act to define legal wire fences in this State, to prescribe the specifications and dimensions thereof, and to fix the consequences of failure to provide such fences.

Had the same under consideration and recommend that it do not pass.

Also—

Senate Bill No. 183:

A Bill to be entitled An Act to amend Sections 1721 and 172 of the General Statutes of the State of Florida in relation to limitations of actions affecting real prop-

erty and adverse possession thereof under color of title and without color of title.

Have had the same under consideration and recommend that it do not pass.

Very respectfully,
A. Z. ADKINS,
Chairman of Committee.

Senate Bills Nos. 163 and 183, contained in the above report, were, under the rule, laid on the table.

Mr. McClellan, Chairman of Committee on Engrossed Bills, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 21, 1913.

Hon. H. J. Drane,
President of the Senate.

Sir:

Your Committee on Engrossed Bills, to whom was referred—

Senate Bill No. 21:

A Bill to be entitled An Act providing for issuing a certificate of authority to insurance companies insuring only live stock or other domestic animals.

Have had the same under consideration and find the same correctly engrossed.

Very respectfully,
A. J. McCLELLAN,
Chairman of Committee.

Senate Bill No. 21, contained in the above report, was placed on Calendar of Bills on third reading.

Mr. McClellan, Chairman of Committee on Engrossed Bills, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 21, 1913.

Hon. H. J. Drane,
President of the Senate.

Sir:

Your Committee on Engrossed Bills, to whom was referred—

Senate Bill No. 90:

A Bill to be entitled An Act to provide for the punishment of desertion of wife, or wife and children.

Have had the same under consideration and find same correctly engrossed.

Very respectfully,
A. J. McCLELLAN,
Chairman of Committee.

Senate Bill No. 90, contained in the above report, was placed on Calendar of Bills on third reading.

Mr. McClellan, Chairman of Committee on Engrossed Bills, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 21, 1913.

Hon. H. J. Drane,
President of the Senate.

Sir:

Your Committee on Engrossed Bills, to whom was referred—

Senate Bill No. 50:

A Bill to be entitled An Act to regulate the practice of Appellate Courts in reversing judgments on writs of error.

Have had the same under consideration and find the same correctly engrossed.

Very respectfully,
A. J. McCLELLAN,
Chairman of Committee.

Senate Bill No. 50, contained in the above report, was placed on Calendar of Bills on third reading.

Mr. McClellan, Chairman of Committee on Engrossed Bills, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 21, 1913.

Hon. H. J. Drane,
President of the Senate.

Sir:

28—S.

Your Committee on Engrossed Bills, to whom was referred—

Senate Bill No. 112:

A Bill to be entitled An Act relating to the Admission to practice law in the courts of this State.

Have had the same under consideration and find the same correctly engrossed.

Very respectfully,

A. J. McCLELLAN,
Chairman of Committee.

Senate Bill No. 112, contained in the above report, was placed on Calendar of Bills on third reading.

Mr. McClellan, Chairman of Committee on Engrossed Bills, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 21, 1913.

Hon. H. J. Drane,
President of the Senate.

Sir:

Your Committee on Engrossed Bills, to whom was referred—

Senate Bill No. 25:

A Bill to be entitled An Act to amend Section 3356 of the General Statutes of the State of Florida, relating to the disposition of personal property under a lien.

Have had the same under consideration and find the same correctly engrossed.

Very respectfully,

A. J. McCLELLAN,
Chairman of Committee.

Senate Bill No. 25, contained in the above report, was placed on Calendar of Bills on third reading.

Mr. McLellan, Chairman of Committee on Engrossed Bills, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 21, 1913.

Hon. H. J. Drane,
President of the Senate.

Sir:

Your Committee on Engrossed Bills, to whom was referred—

Senate Bill No. 72:

A Bill to be entitled An Act to amend Section 1571 of the General Statutes of the State of Florida, relating to the selection, qualification and method of securing jurors in the courts of this State.

Have had the same under consideration and find the same correctly engrossed.

Very respectfully,

A. J. McCLELLAN,
Chairman of Committee.

Senate Bill No. 72, contained in the above report, was placed on Calendar of Bills on third reading.

Mr. Davis, Chairman of Committee on Judiciary B, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 23, 1913.

Hon. H. J. Drane,
President of the Senate.

Sir:

Your Committee on Judiciary B, to whom was referred—

Senate Bill No. 164:

A Bill to be entitled An Act to make it unlawful to use firearms by hunting game or firing at targets or to catch fish on Sunday, and to repeal Section 3568 of the General Statutes of Florida.

Have had the same under consideration and recommend that it do pass.

Very respectfully,

C. E. DAVIS,
Chairman of Committee.

Senate Bill No. 164, contained in the above report, was placed on Calendar of Bills on second reading.

Mr. Davis, Chairman of Committee on Judiciary B, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 23, 1913.

Hon. H. J. Drane,
President of the Senate.

Sir:

Your Committee on Judiciary B, to whom was referred—

Senate Bill No. 88:

A Bill to be entitled An Act to amend paragraph 2 of Section 1866 of the General Statutes of the State of Florida of 1906, relating to publication of orders in cases of constructive service.

Have had the same under consideration and recommend a substitute therefor, the same being A Bill to be entitled An Act to amend Section 1866 of the General Statutes of the State of Florida of 1906, relating to constructive service and publication of orders in cases of constructive service.

And recommend that said substitute do pass.

Very respectfully,

C. E. DAVIS,
Chairman of Committee.

Senate Bill No. 88, contained in the above report, was placed on Calendar of Bills on second reading.

Mr. Davis, Chairman of Committee on Judiciary B, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 23, 1913.

Hon. H. J. Drane,
President of the Senate.

Sir:

Your Committee on Judiciary B, to whom was referred—

Senate Bill No. 171:

A Bill to be entitled An Act to amend Section 1397 of the General Statutes of the State of Florida of 1906, in reference to process issuing out of the Courts of Civil Causes.

Committee amendment: Strike out Section 3.

Amend title by adding the following: Relating to the

issuance of process out of Circuit and County Courts of this State.

Have had the same under consideration and recommend that it do pass with amendments.

Very respectfully,

C. E. DAVIS,
Chairman of Committee.

Senate Bill No. 171, contained in the above report, was placed on Calendar of Bills on second reading.

Mr. Davis, Chairman of Committee on Judiciary B, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 23, 1913.

Hon. H. J. Drane,

President of the Senate.

Sir:

Your Committee on Judiciary B, to whom was referred—

Senate Bill No. 194:

A Bill to be entitled An Act providing for the taxing of attorneys' fees, as costs, in favor of the prevailing party in certain actions ex contractu.

Have had the same under consideration and recommend that it do not pass.

Very respectfully,

C. E. DAVIS,
Chairman of Committee.

Senate Bill No. 194, contained in the above report, under the rule, was laid on the table.

Mr. Davis, Chairman of Committee on Judiciary B, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 23, 1913.

Hon. H. J. Drane,

President of the Senate.

Sir:

Your Committee on Judiciary B, to whom was referred—

Senate Bill No. 179:

A Bill to be entitled An Act to declare the effect of the

death of the drawer of a check on such check, and when and how such check shall be paid.

Have had the same under consideration and recommend that it do not pass.

Very respectfully,

C. E. DAVIS,
Chairman of Committee.

Senate Bill No. 179, contained in the above report, under the rule, was laid on the table.

Mr. Davis, Chairman of Committee on Judiciary B, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 23, 1913.

Hon. H. J. Drane,
President of the Senate.

Sir:

Your Committee on Judiciary B, to whom was referred—

Senate Bill No. 176:

A Bill to be entitled An Act to provide for the clerical aid for the judges of the Circuit Courts, and for the payment of traveling expenses of the judges of the Circuit Courts when holding sessions of court in their respective circuits, and when transferred to other circuits by the Governor, and to repeal Chapter 5395 of the Laws of the State of Florida entitled An Act to provide for the payment by the State of Florida of the actual traveling expenses of the judges of the Circuit Courts of the State when holding sessions of the court in their respective Circuits.

Have had the same under consideration and recommend that it do not pass.

Very respectfully,

C. E. DAVIS,
Chairman of Committee.

Senate Bill No. 176, contained in the above report, under the rule, was laid on the table.

Mr. Davis, Chairman of Committee on Judiciary B, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 23, 1913.

Hon. H. J. Drane,
President of the Senate.

Sir:

Your Committee on Judiciary B, to whom was referred—

Senate Bill No. 184:

A Bill to be entitled An Act to amend Sections 3103, 3104, 3105 of the General Statutes of the State of Florida, the same being relative to the legal rate of interest allowed in this State, and also defining and prohibiting usury.

Have had the same under consideration and recommend that it do not pass.

Very respectfully,

C. E. DAVIS,
Chairman of Committee.

Senate Bill No. 184, contained in the above report, under the rule, was laid on the table.

Mr. Davis, Chairman of Committee on Judiciary B, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 23, 1913.

Hon. H. J. Drane,
President of the Senate.

Sir:

Your Committee on Judiciary B, to whom was referred—

Senate Bill No. 105:

A Bill to be entitled An Act to authorize the working of persons convicted in any municipal court of the State of Florida, upon the public roads of the County in which said municipality is situated.

Have had the same under consideration and recommend that it do not pass.

Very respectfully,

C. E. DAVIS,
Chairman of Committee.

Senate Bill No. 105, contained in the above report, under the rule, was laid on the table.

Mr. Davis, Chairman of Committee on Judiciary B,
submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 23, 1913.

Hon. H. J. Drane,
President of the Senate.

Sir:

Your Committee on Judiciary B, to whom was referred—

Senate Bill No. 57:

A Bill to be entitled An Act to remove certain legal disabilities of married women with respect to their property rights and to authorize married women to sue and be sued, and to manage, sell, convey and dispose of their property without joinder of their husband, and to abolish separate acknowledgments of married women and to repeal Section 2462 of the General Statutes of the State of Florida.

Have had the same under consideration and recommend that it do not pass.

Very respectfully,

C. E. DAVIS,
Chairman of Committee.

Senate Bill No. 57, contained in the above report, under the rule, was laid on the table.

Senate Chamber,
Tallahassee, Fla., April 23, 1913.

Hon. H. J. Drane,
President of the Senate.

Sir:

Your Committee on Enrolled Bills, to whom was referred—

House Concurrent Resolution No. 8:

A Concurrent Resolution requesting the Trustees of the Internal Improvement Fund to furnish the House and Senate with a detailed statement of the conditions of the work of reclaiming the Everglades, etc.

Have carefully examined the same and find it correctly enrolled.

Very respectfully,

S. P. RODDENBERY,
Chairman of Committee.

And the Acts contained in the above report were referred to the Joint Committee on Enrolled Bills.

Senate Chamber,
Tallahassee, Fla., April 23, 1913.

Hon. H. J. Drane,
President of the Senate.

Sir:

Your Joint Committee on Enrolled Bills, to whom was referred—

House Concurrent Resolution No. 8:

A Concurrent Resolution requesting the Trustees of the Internal Improvement Fund to furnish the House and Senate with a detailed statement of the conditions of the work of reclaiming the Everglades, etc.

Have carefully examined the same and find it correctly enrolled.

Very respectfully,

S. P. RODDENBERY,
Chairman of Committee.

And the Acts contained in the above report were ordered referred to the Joint Committee on Enrolled Bills, to be conveyed to the House of Representatives, for the signatures of the Speaker and the Chief Clerk thereof.

Senate Chamber,
Tallahassee, Fla., April 23, 1913.

Hon. H. J. Drane,
President of the Senate.

Sir:

Your Joint Committee on Enrolled Bills, to whom was referred—

House Concurrent Resolution No. 8:

A Concurrent Resolution requesting the trustees of the Internal Improvement Fund to furnish the House and Senate with a detailed statement of the conditions of the work of reclaiming the Everglades, etc.

Be leave to report that the same have been duly signed by the Speaker and Chief Clerk of the House of Representatives, and are herewith presented to the

Senate for the signatures of the President and Secretary thereof.

Very respectfully,
S. P. RODDENBERY,
Chairman of Committee.

ENROLLED.

The President announced that he was about to sign—
House Concurrent Resolution No. 8:

A Concurrent Resolution requesting the trustees of the Internal Improvement Fund to furnish the House and Senate with a detailed statement of the conditions of the work of reclaiming the Everglades, etc.

The Acts were therefore duly signed by the President and Secretary of the Senate, and ordered returned to the Chairman of the Joint Committee on Enrolled Bills to convey to the Governor for his approval.

Senate Chamber,
Tallahassee, Fla., April 23, 1913.

Hon. H. J. Drane,
President of the Senate.

Sir:

Your Joint Committee on Enrolled Bills, to whom was referred—

House Concurrent Resolution No. 8:

A Concurrent Resolution requesting the Trustees of the Internal Improvement Fund to furnish the House and Senate with a detailed statement of the conditions of the work of reclaiming the Everglades, etc.

Beg to report that the same has been presented to the Governor for his approval.

Very truly,

S. P. RODDENBERY,
Chairman of Committee.

Senate Chamber,
Tallahassee, Fla., April 23, 1913.

Hon. H. J. Drane,
President of the Senate.

Sir:

Your Committee on Enrolled Bills, to whom was referred—

Senate Bill No. 111:

A Bill to be entitled An Act to regulate the holding of primary elections for the nomination of candidates for city officers in the city of Pensacola.

Have carefully examined the same and find them correctly enrolled.

Very respectfully,
S. P. RODDENBERY,
Chairman of Committee.

And the Acts contained in the above report were referred to the Joint Committee on Enrolled Bills.

Senate Chamber,
Tallahassee, Fla., April 23, 1913.

Hon. H. J. Drane,
President of the Senate.

Sir:

Your Joint Committee on Enrolled Bills, to whom was referred—

Senate Bill No. 111:

A Bill to be entitled An Act to regulate the holding of primary elections for the nomination of candidates for city officers in the city of Pensacola.

Have carefully examined the same and find them correctly enrolled.

Very respectfully,
S. P. RODDENBERY,
Chairman of Committee.

And the Acts contained in the above report were ordered referred to the Joint Committee on Enrolled Bills, to be conveyed to the House of Representatives, for the signatures of the Speaker and the Chief Clerk thereof.

Senate Chamber,
Tallahassee, Fla., April 23, 1913.

Hon. H. J. Drane,
President of the Senate.

Sir:

Your Joint Committee on Enrolled Bills, to whom was referred—

Senate Bill No. 111:

A Bill to be entitled An Act to regulate the holding of

primary elections for the nomination of candidates for city officers in the city of Pensacola.

Beg leave to report that the same have been duly signed by the Speaker and Chief Clerk of the House of Representatives, and are herewith presented to the Senate for the signatures of the President and Secretary thereof.

Very respectfully,

S. P. RODDENBERRY,
Chairman of Committee.

ENROLLED.

The President announced that he was about to sign—

A Bill to be entitled An Act to regulate the holding of primary elections for the nomination of candidates for city officers in the city of Pensacola.

The Acts were therefore duly signed by the President and Secretary of the Senate, and ordered returned to the Chairman of the Joint Committee on Enrolled Bills to convey to the Governor for his approval.

Senate Chamber,
Tallahassee, Fla., April, 1913.

Hon. H. J. Drane,
President of the Senate.

Sir:

Your Joint Committee on Enrolled Bills, to whom was referred—

Senate Bill No. 111:

A Bill to be entitled An Act to regulate the holding of primary elections for the nomination of candidates for city officers in the City of Pensacola.

Beg to report that same has been presented to the Governor for his approval.

Very respectfully,

S. P. RODDENBERRY,
Chairman of Committee.

Senate Chamber,
Tallahassee, Fla., April 22, 1913.

Hon. H. J. Drane,
President of the Senate.

Sir:

Your Committee on Enrolled Bills, to whom was referred—

Senate Bill No. 62:

A Bill to be entitled An Act to authorize the Board of Drainage Commissioners to borrow money and apply the drainage tax assessed upon lands in the drainage district to the repayment of the said loans, and to provide for suits against the Drainage Commissioners in certain cases.

Have carefully examined the same and find it correctly enrolled.

Very respectfully,

S. P. RODDENBERRY,
Chairman of Committee.

And the Act contained in the above report was referred to the Joint Committee on Enrolled Bills.

Senate Chamber,
Tallahassee, Fla., April 22, 1913.*

Hon. H. J. Drane,
President of the Senate.

Sir:

Your Joint Committee on Enrolled Bills, to whom was referred—

Senate Bill No. 62:

A Bill to be entitled An Act to authorize the Board of Drainage Commissioners to borrow money and apply the drainage tax assessed upon lands in the drainage district to the repayment of the said loans, and to provide for suits against the Drainage Commissioners in certain cases.

Have carefully examined the same and find it correctly enrolled.

Very respectfully,

S. P. RODDENBERRY,
Chairman of Committee.

And the Acts contained in the above report were ordered referred to the Joint Committee on Enrolled Bills, to be conveyed to the House of Representatives, for the signatures of the Speaker and the Chief Clerk thereof.

Senate Chamber,
Tallahassee, Fla., April 22, 1913.

Hon. H. J. Drane,
President of the Senate.

Sir:

Your Joint Committee on Enrolled Bills, to whom was referred—

Senate Bill No. 62:

A Bill to be entitled An Act to authorize the Board of Drainage Commissioners to borrow money and apply the drainage tax assessed upon lands in the drainage district to the repayment of the said loans, and to provide for suits against the Drainage Commissioners in certain cases.

Beg leave to report that the same have been duly signed by the Speaker and Chief Clerk of the House of Representatives, and are herewith presented to the Senate for the signatures of the President and Secretary thereof.

Very respectfully,

S. P. RODDENBERRY,
Chairman of Committee.

ENROLLED.

The President announced that he was about to sign—
Senate Bill No. 62:

A Bill to be entitled An Act to authorize the Board of Drainage Commissioners to borrow money and apply the drainage tax assessed upon lands in the drainage district to the repayment of the said loans, and to provide for suits against the Drainage Commissioners in certain cases.

The Acts were therefore duly signed by the President and Secretary of the Senate, and ordered returned to the Chairman of the Joint Committee on Enrolled Bills to convey to the Governor for his approval.

Senate Chamber,
Tallahassee, Fla., April 22, 1913.

Hon. H. J. Drane,
President of the Senate.

Sir:

Your Joint Committee on Enrolled Bills, to whom was referred—

Senate Bill No. 62:

A Bill to be entitled An Act to authorize the Board of Drainage Commissioners to borrow money and apply the drainage tax assessed upon lands in the drainage district to the repayment of the said loans, and to provide for suits against the Drainage Commissioners in certain cases.

Beg to report that the same have been presented to the Governor for his approval.

Very respectfully,

S. P. RODDENBERRY,
Chairman of Committee.

Senate Chamber,
Tallahassee, Fla., April 21st, 1913.

Hon. H. J. Drane,
President of the Senate.

Sir:

Your Committee on Enrolled Bills, to whom was referred—

Senate Bill No. 61:

A Bill to be entitled An Act to authorize the Trustees of the Internal Improvement Fund to borrow money for the purpose of draining swamp and overflowed lands, held in the Internal Improvement Fund, and to issue their promissory notes, or other written obligations for the repayment of such loans and to endorse and transfer bills, notes or other obligations that they may now hold or may hereafter acquire and to provide for the enforcement of such payments and to make loans to the Board of Drainage Commissioners.

Have carefully examined the same and find it correctly enrolled.

Very respectfully,

S. P. RODDENBERRY,
Chairman of Committee.

And the Act contained in the above report was referred to the Joint Committee on Enrolled Bills.

Senate Chamber,
Tallahassee, Fla., April 21st, 1913.

Hon. H. J. Drane,
President of the Senate.

Sir:

Your Joint Committee on Enrolled Bills, to whom was referred—

Senate Bill No. 61:

A Bill to be entitled An Act to authorize the Trustees of the Internal Improvement Fund to borrow money for the purpose of draining swamp and overflowed lands, held in the Internal Improvement Fund, and to issue their promissory notes, or other written obligations for the repayment of such loans and to endorse and transfer bills, notes or other obligations that they may now hold or may hereafter acquire and to provide for the enforcement of such payments and to make loans to the Board of Drainage Commissioners.

Have carefully examined the same and find it correctly Enrolled.

S. P. RODDENBERY,
Chairman of Committee.

And the Act contained in the above report was ordered referred to the Joint Committee on Enrolled Bills, to be conveyed to the House of Representatives, for the signatures of the Speaker and the Chief Clerk thereof.

Senate Chamber,
Tallahassee, Fla., April 21st, 1913.

Hon. H. J. Drane,
President of the Senate.

Sir:

Your Joint Committee on Enrolled Bills, to whom was referred—

Senate Bill No. 61:

A Bill to be entitled An Act to authorize the Trustees of the Internal Improvement Fund to borrow money for the purpose of draining swamp and overflowed lands, held in the Internal Improvement Fund, and to issue their promissory notes, or other written obligations for the repayment of such loans and to endorse and transfer bills, notes or other obligations that they may now

hold or may hereafter acquire and to provide for the enforcement of such payments and to make loans to the Board of Drainage Commissioners.

Beg leave to report that the same has been duly signed by the Speaker and Chief Clerk of the House of Representatives, and is herewith presented to the Senate for the signatures of the President and Secretary thereof.

Very respectfully,
S. P. RODDENBERY,
Chairman of Committee.

ENROLLED.

The President announced that he was about to sign—

Senate Bill No. 61:

A Bill to be entitled An Act to authorize the Trustees of the Internal Improvement Fund to borrow money for the purpose of draining swamp and overflowed lands, held in the Internal Improvement Fund, and to issue their promissory notes, or other written obligations for the repayment of such loans and to endorse and transfer bills, notes or other obligations that they may now hold or may hereafter acquire and to provide for the enforcement of such payments and to make loans to the Board of Drainage Commissioners.

The Act was therefore duly signed by the President and Secretary of the Senate, and ordered returned to the Chairman of the Joint Committee on Enrolled Bills to convey to the Governor for his approval.

Senate Chamber,
Tallahassee, Fla., April 21st, 1913.

Hon. H. J. Drane,
President of the Senate.

Sir:

Your Joint Committee on Enrolled Bills, to whom was referred—

Senate Bill No. 61:

A Bill to be entitled An Act to authorize the Trustees of the Internal Improvement Fund to borrow money for the purpose of draining swamp and overflowed lands,

29—S.

held in the Internal Improvement Fund, and to issue their promissory notes, or other written obligations for the repayment of such loans and to endorse and transfer bills, notes or other obligations that they may now hold or may hereafter acquire and to provide for the enforcement of such payments and to make loans to the Board of Drainage Commissioners.

Beg to report that the same has been presented to the Governor for his approval.

Very truly,

S. P. RODDENBERY,
Chairman of Committee.

Senate Chamber,
Tallahassee, Fla., April 21st, 1913.

Hon. H. J. Drane,
President of the Senate.

Sir:

Your Committee on Enrolled Bills, to whom was referred—

House Concurrent Resolution No. 4:

A Concurrent Resolution requesting the government of the United States to return to the State of Florida the tax collected on raw cotton from 1861-1868 inclusive.

Also—

House Bill No. 56:

A Bill to be entitled An Act providing for the creation of Bay County, in the State of Florida, and for the organization and government thereof.

Have carefully examined the same and find them correctly enrolled.

Very respectfully,

S. P. RODDENBERY,
Chairman of Committee.

And the Acts contained in the above report were referred to the Joint Committee on Enrolled Bills.

Senate Chamber,
Tallahassee, Fla., April 21st, 1913.

Hon. H. J. Drane,
President of the Senate.

Sir:

Your Joint Committee on Enrolled Bills, to whom was referred—

House Concurrent Resolution No. 4:

A Concurrent Resolution requesting the government of the United States to return to the State of Florida the tax collected on raw cotton from 1861-1868 inclusive.

Also—

House Bill No. 56:

A Bill to be entitled An Act providing for the creation of Bay County, in the State of Florida, and for the organization and government thereof.

Have carefully examined the same and find them correctly enrolled.

Very respectfully,
S. P. RODDENBERY,
Chairman of Committee.

And the Acts contained in the above report were ordered referred to the Joint Committee on Enrolled Bills, to be conveyed to the House of Representatives, for the signatures of the Speaker and the Chief Clerk thereof.

Senate Chamber,
Tallahassee, Fla., April 21st, 1913.

Hon. H. J. Drane,
President of the Senate.

Sir:

Your Joint Committee on Enrolled Bills, to whom was referred—

House Concurrent Resolution No. 4:

A Concurrent Resolution requesting the government of the United States to return to the State of Florida the tax collected on raw cotton from 1861-1868 inclusive.

Also—

House Bill No. 56:

A Bill to be entitled An Act providing for the creation

of Bay County, in the State of Florida, and for the organization and government thereof.

Beg leave to report that the same have been duly signed by the Speaker and Chief Clerk of the House of Representatives, and are herewith presented to the Senate for the signatures of the President and Secretary thereof.

Very respectfully,
S. P. RODDENBERY,
Chairman of Committee.

ENROLLED.

The President announced that he was about to sign—

House Concurrent Resolution No. 4:

A Concurrent Resolution requesting the government of the United States to return to the State of Florida the tax collected on raw cotton from 1861-1868 inclusive.

Also—

House Bill No. 56:

A Bill to be entitled An Act providing for the creation of Bay County, in the State of Florida, and for the organization and government thereof.

The Acts were therefore duly signed by the President and Secretary of the Senate, and ordered returned to the Chairman of the Joint Committee on Enrolled Bills to convey to the Governor for his approval.

Senate Chamber,
Tallahassee, Fla., April 21st, 1913.

Hon. H. J. Drane,
President of the Senate.

Sir:

Your Committee on Enrolled Bills, to whom was referred—

House Concurrent Resolution No. 4:

A Concurrent Resolution requesting the government of the United States to return to the State of Florida the tax collected on raw cotton from 1861-1868 inclusive.

Also—

House Bill No. 56:

A Bill to be entitled An Act providing for the creation of Bay County, in the State of Florida, and for the organization and government thereof.

Beg to report that the same have been presented to the Governor for his approval.

Very truly,
S. P. RODDENBERY,
Chairman of Committee.

ORDER OF THE DAY.

The following message of disapproval from former Governor Albert W. Gilchrist was read:

State of Florida,
Executive Department,
Tallahassee, Fla., June 10, 1911.

Hon. H. Clay Crawford,
Secretary of State.

My dear Sir:

In pursuance of Section 28, Article III, of the State Constitution, I have the honor to hand you herewith the following Bill passed by the Legislature of 1911, on which my approval is withheld for the reason herein stated:

"A Bill to be entitled An Act regulating the leasing of convicts."

"Section 1. No lease of convicts by the authorities of the State or counties thereof, extending beyond January 1st, 1914, shall be entered into prior to July 1st, 1913."

The primary effect of this proposed law is to prevent the leasing of said convicts prior to the convening of the Legislature of 1913. This law was passed by a Legislature consisting of one hundred and two men, of whom sixty-eight voted for the same, ten of whom are hold-over Senators. It is safe to say that not over twenty-five or thirty of these gentlemen will be members of the next Legislature.

Under the authority of the Legislature of 1909, the Board of Commissioners of State Institutions, consisting of the Governor and all the members of the Cabinet, pur-

chased for a prison farm 8,154.50 acres of land. The Board took an option on 7,445.50 acres. The Legislature of 1911 authorized the purchase of these extra 7,445.50 acres and appropriated money with which to pay for the same. This land is evidently to be used for the purpose of a prison farm. The intention of this bill was to prevent the leasing of these convicts prior to the adjournment of the Legislature of 1913.

During the year 1912 there will be a general election wherein will be elected the Governor and all the members of the Board of Commissioners of State Institutions. The convict question will probably be settled in the primaries of the year 1912. Should public sentiment, as expressed in said primaries, be different from the views of these twenty-five or thirty gentlemen who will probably be members of the next Legislature, I consider it my duty to the people of the State and towards the next administration to leave this subject in such a shape to be acted on as the expressed views of the people may indicate.

Section 2, Article IV, of the State Constitution prohibits a Governor from succeeding himself. If I were Governor, which under the Constitution it is needless to say I cannot be, I would oppose from a humanitarian standpoint, especially the use of long term prisoners in the barbarous menagerie cage system now in operation in the great State of Georgia. In the road system of Georgia, I have seen an iron cage on four wheels, the cage being about seven by fifteen feet, in which there were sleeping accommodations for twelve prisoners. These prisoners are chained to a log chain at night. There are necessarily no toilet facilities. On Sundays they rest under a canopy, all being chained to a log chain. Their beds and accommodations and bathing facilities are insufficient. Under the present lease system of Florida the accommodations for the prisoners are far superior. In some of the larger towns of Georgia, long term prisoners are housed in permanent quarters and are worked only in such towns. In such instances, the prisoners fare probably as well as they do in Florida.

At least the long term prisoners should eventually be employed on this 15,600 acre farm. In the hospital for the insane at Chattahoochee, there are between 900 and 1,000 lunatics, about one-half of whom are negroes. A

large proportion of our convicts are negroes. There is not sufficient land at Chattahoochee to work the lunatics on farms. The price of land in that vicinity is too high to warrant the purchase of any more land. The lunatics fare better, bodily and mentally, when they can be placed at work. A negro hospital for the insane should be established upon a part of this 15,600 acre farm. Some of the money derived from the lease and hire of State convicts should be appropriated for the erection of suitable buildings for the accommodation of such lunatics on this farm. Some of the money derived from the lease and hire of such convicts should be appropriated for the erection of suitable buildings for a state penitentiary on this farm. In my opinion, all of the convicts should be leased for at least four years longer, after which the State will be in a good position to care for them. During this four years time, such money as is derived from the lease and hire of the convicts as is not used in improving the prison farm could be expended by the counties on roads. The State now receives \$280.60 per year for each convict. Under the terms of the lease, provision is made by which the women, the aged and infirm are withdrawn, in which event the contractor pays to the State 15 per cent extra for those not thus withdrawn. With the proceeds derived from the labor on the farm and with this 15 per cent extra, it is thought that those so withdrawn can be more than supported. At the present time the lessees provide for this class. The amount received for the hire and lease of State convicts for the year 1910 was \$366,134.81.

This administration is the first to take steps for the eventual withdrawal of the convicts from the lease system. This is shown in my recommendations to the Legislature of 1909, on account of which, by legislative authority, the prison farm was purchased, consisting of 8,154.50 acres, as previously stated. The Legislature of 1911 evidently concurred in such, by providing appropriation for the purchase of other lands hereinbefore mentioned.

I recommended to the Legislature of 1911 the passage of a law authorizing the establishment of juvenile courts. The Legislature passed such a law. This was in the interest of juvenile offenders and in keeping with the action of other States.

I recommended to the Legislature of 1911 gain time for convicts. This bill largely increases the gain time formerly allowed convicts, thus offering to them greater rewards for good behavior while in prison. During this administration no convict has ever complained of any treatment without there being an inspector of convicts to examine into his case within a short time after receipt of such complaint. It is needless to say that there are a number of people who, knowing absolutely nothing about the condition of convicts, or the convict system, blow a tin horn with reference to the same.

Feeling that this Bill might be vetoed, the Legislature of 1911, passed a Concurrent Resolution regarding the lease of convicts. The resolution provides: "That the Board of Commissioners of State Institutions be and are hereby directed to not lease nor release said convicts nor renew the present lease of State convicts before the first day of July, A. D. 1913." The Journals of the Senate and of the House do not show who voted for such an unlawful resolution, as the same was taken by a vive voce vote. The introducer of the resolution in the House knew that no concurrent resolution could be vetoed. He also knew that in point of law such a resolution could not "direct" the Board of Commissioners of State Institutions. If the public sentiment of the State, as expressed in the primaries of 1912, is opposed to the sentiment expressed in the resolution, or if the Board of Commissioners of State Institutions decide that it is for the best interests of the State to ignore such an illegal resolution, I presume that the Board will not treat such a resolution with any more consideration than the exigencies of the case require. If it should be developed that public sentiment is against the object to be arrived at by such resolution, it will be difficult to find the names of more than ten or twelve men who voted for such. However, if the State Board should think it for the best interests of the State to ignore this resolution, I am satisfied that they will have backbone enough not to sell out the best interests of the State for fear they may lose some votes in the securements of future offices. There are two ways of selling out, one is for cash. Although disgraceful, yet that is somewhat of a business transaction. To sell out for the intangible hope of a vote is worse still.

Some people object to the lease and hire of human beings for money, although the said human beings were convicted of crimes and were duly sentenced. My recollection is that the hire and sale of human beings, known as slaves, none of whom were convicted for crime, was a great question, agitating Congress for many years. My impression is that many people in Florida were interested in this subject. I really believe that the majority of the people in Florida can therefore stand for the hire and lease of human beings convicted of crime for four years more.

During the last days of the session, Legislature pass hastily many carelessly prepared Bills. During the last three days of the session fully 200 Bills and Resolutions were delivered at my office. Exclusive of those vetoed and returned to the Legislature, three hundred and thirty-six measures were passed during the sixty days. It thus appears that far more than fifty per cent. of the measures passed by the Legislature of 1911 were delivered to my office during the last three days. No one should be elected to the Legislature unless he will pledge himself to do more efficient work during the first four or five weeks of the session. The Legislature of 1911 worked, however, as members of other Legislatures worked, postponing action until the eleventh hour. It is but just to state, that in my opinion, the Legislature of 1911 was the best that has been convened here in several years.

Attention is invited to the fact that the House ordered printed, daily, 4,000 Journals, to be mailed to the various constituents, the State paying the postage. The Senate ordering 2,000 copies of the Journal, to be so mailed. The House created a temporary department consisting of a Journal Clerk and several assistants. I understand that the Assistant Sergeant-at-Arms of the Senate performed such duties. During at least some of the past Legislatures, when members wished to stand in with their constituents by sending them Journals, they had them sent at their own expense. All the bills for postage on Journals have not yet been presented to the Comptroller. I learn that the amount so far paid out for such postage is in the vicinity of \$3,000. The postage alone for each member of the Legislature cost to the State, for this little political courtesy to his constituents, abouts \$30.00. The bill for all the Journals

has not yet been sent in. I learn that the cost of printing the Journals will aggregate fully \$10,000. Some Legislatures in the past have only ordered about 2,000 copies, only a few, if any, being sent out at the expense of the State. The cost of postage, the extra cost of Journals, the cost of mailing the same, cost the State probably in the neighborhood of \$10,000, being about \$100 per member of the Legislature. When Legislators are extravagant in affairs concerning such matters, they are usually extravagant in other matters.

I sincerely trust that the Legislature of 1913 will continue the good work of the Legislature of 1911, by passing laws simplifying court procedure and making right and justice the end of due process of law, rather than making extreme technicalities the end of such due process. I hope that the members of the next Legislature will be elected in accord with such.

The Legislature of 1911 authorized the Governor to appoint a committee of three members, to draft laws and submit recommendations along this line to the next Governor, prior to the convening of the next Legislature.

A proper law relating to a fair and just assessment of personal property is demanded. For the year 1910, the assessed value of all personal property in Florida was \$33,689,074.00. The actual value of all personal property was between \$300,000,000.00 and \$40,000,000.00. On account of Section 1 of Article IX of the State Constitution. Florida is one of the nine states having the general property tax qualification. The general property tax has been defined "as a system of assessing each person all the personal property he possesses and taxing this sum at the same rate as real estate." This system has broken down by its inherent defects. I quote from an able report of a Committee appointed by the Legislature of Rhode Island. "The Committee quotes the opinions of investigating commissions in nine states whose constitutions require the general property tax. These reports all have been made within the last five years, and in no case does the investigating committee advocate a more strict enforcement of the general property tax as a cure for the evils which all have found to exist under this system. Each of these states, with a single exception, has advised the abandonment of the attempt to tax all property at a uniform rate and by the same method."

"The Committee finds the breaking down of the general property tax system attributable to two reasons, first: because under modern conditions it cannot be enforced extensively; second, because of a more or less conscientious recognition of the fact that a strict enforcement would result in a still greater injustice than now prevails."

It may be well to quote Section 1 of Article IX of the State Constitution, heretofore referred to:

"The Legislature shall provide for a uniform and equal rate of taxation and shall prescribe such regulations as shall secure a just valuation of all property, both real and personal," etc.

I hope that the members of the next Legislature will be elected in accord with such.

The Legislature of 1911 authorized the Governor to appoint a committee of three members, whose duty it shall be to report to the Governor at least sixty days before the convening of the next Legislature, such changes in the Constitution and laws relating to taxation as may be deemed advisable.

Very respectfully,

ALBERT W. GILCHRIST,
Governor.

And the Act, with the message, was referred to the Committee on Prisons and Convicts.

Also—

The following message of disapproval was read:

State of Florida,
Executive Department.
Tallahassee, June 8, 1911.

Hon. H. Clay Crawford,
Secretary of State.

Sir:

In pursuance of the provisions of Section 28 of Article 3 of the State Constitution, I have the honor to hand you herewith for filing the following bill passed by the Legislature of 1911, from which my approval is withheld for the reason stated below:

An Act providing for the building of hard roads in Taylor and Lafayette Counties in the State of Florida, for the raising of money therefor, authorizing the issuing of interest-bearing warrants for such purpose, the payment of such warrants, and a levy of a tax for such payment, and empowering the boards of County Commissioners of said Taylor and Lafayette to do all such things and acts as may be determined necessary or expedient to be done in connection with the building of said hard roads.

Section 5 of this Bill is as follows:

"Section 5. The County Commissioners of the counties issuing warrants shall levy a tax each year, when other taxes are levied, sufficient to pay said warrants, and the interest thereon, as the same shall from time to time become due and payable, and the amount so levied and collected, shall not be used for any other purpose; provided, if at any time there shall be surplus funds on hand, in what is now known as the Road and Bridge Fund arising from hire of convicts, such surplus money may be used in the payment of said warrants and the interest thereon, and the levy aforesaid shall only be such amount as shall be actually necessary to complete said payment; provided, further, that either of said Boards of County Commissioners shall not at any time levy for such purpose a tax exceeding five mills on the dollar."

This is clearly a local bill. By the section quoted it undertakes to provide for the levy and collection of a special tax for a county purpose.

Section 20 of Article III of the State Constitution provides that "The Legislature shall not pass special or local laws for assessment and collection of taxes for State and County purposes."

Section 21 of Article III of the State Constitution provides that "In all cases enumerated in the preceding section all laws shall be general and of uniform operation throughout the State."

On May 30, 1911, the Supreme Court of Florida filed its opinion in the case of Kroegel vs. Whyte, in which the validity of a statute authorizing the annual assessment and collection of a tax in aid of the building of hard surface roads in St. Lucie County was passed upon. In such opinion, the Supreme Court says:

"The building of hard surface roads is a State or County purpose, and the enactment of a special or local law for the assessment and collection of taxes for State and County purposes is expressly forbidden by the above quoted provision of the organic law."

Under this very recent ruling of the Supreme Court the present bill is clearly unconstitutional and has to be returned without my approval.

Very respectfully,

ALBERT W. GILCHRIST,
Governor.

And the Act, with the message, was referred to the Committee on Judiciary B.

Also—

The following message of disapproval was read:

State of Florida,
Executive Department,
Tallahassee, Fla., June 12, 1911.

Hon. H. Clay Crawford,
Secretary of State.

My dear Sir:

In pursuance of the provisions of Section 28 of Article III. of the State Constitution I have the honor to hand you herewith for filing the following Bill passed by the Legislature of 1911 from which my approval is withheld for the reasons stated herein:

"An Act to prohibit the hauling and dragging of seines in the fresh water rivers, lakes, streams, creeks and bayous, etc., in Volusia and Lake Counties, State of Florida; to define what shall be deemed fresh water rivers, creeks, and streams, and to prohibit the shipping of fish caught in the said fresh waters of Volusia and Lake Counties, State of Florida, beyond the limits of said counties, and prohibiting common carriers from receiving the same for shipment beyond the limits of such counties.

After the usual enacting clause, this Bill is as follows:

Section 1. It shall be unlawful for any person or persons, firm or corporation to haul or drag any seine, of

any kind, in the waters of any fresh water rivers, lakes, streams, creeks, bayous, etc. in Volusia and Lake Counties, State of Florida.

Sec. 2. Any river, stream or creek having its source in the interior of the State of Florida, and emptying into fresh water or salt water shall be deemed a fresh water river, stream or creek.

Sec. 3. It shall be unlawful for any person or persons firm or corporation, to ship or transport any fish caught in the fresh water rivers, lakes, streams, creeks and bayous in Volusia and Lake Counties, State of Florida, beyond the limits of such counties; provided, however, that nothing in this act shall be construed to prohibit the shipping of cat fish or shad beyond the limits of said counties.

Sec. 4 It shall be unlawful for any common carrier, agent, or employee of such carrier, to receive for carriage, or permit the carriage of any fresh water fish, other than cat fish or shad, caught in the fresh water rivers, lakes, streams, creeks, bayous, etc., in the counties of Volusia and Lake, for shipment beyond the limits in the counties of Volusia and Lake, for shipment beyond the limits of such counties.

Section 5. Any person, firm, or corporation violating the provisions of this Act, shall be guilty of a misdemeanor.

The following are extracts from communications of a representative of the Florida Fish and Produce Company of Jacksonville, Florida, with reference to this bill:

"It would affect five dealers, putting three entirely out of business. It would affect two hundred fishermen. It would render entirely useless \$25,000 worth of property."

"These fish come out of the sea, and there is no point where they can be caught profitably until they reach the narrow river where these two counties begin. We have invested a considerable amount of money in lands, docks and other purposes for the catching of these fish at that point."

"Had the bill excepted the St. Johns River, which is a National Highway, it would not have interfered so much

with commercial fisheries. In its present form it is a calamity to the fishing interests of this section of the State."

"At Volusia Bar, just in the Northern end of Volusia County, our herring fisheries are established. These herring are caught with seines, and cannot be caught otherwise at a profit. As you will know, herring are very cheap fish. You can buy them at one cent a piece, and to catch these fish in a gill net, would be prohibitory. Besides you will note that the law is designed especially to close up the St. Johns River in that vicinity."

"This river is not a local proposition. The Representatives of Duval, Orange and other counties did not know the purport of this Bill, otherwise, they would have opposed it. There was no mention of this bill made in the Times-Union until after it was finally passed."

"The herring fisheries in Lake and Volusia Counties are really the only profitable herring fisheries in the State. Fisheries at these points during the herring season catch anywhere from twenty to fifty barrels of herring daily. We also catch a few shad in our herring seines, but the catch of shad is not very heavy."

"As I wrote you before, after Senator Perkins failed to get a bill passed prohibiting seining in the entire State, he then introduced this bill. Through either oversight, or for some special reason, the papers did not publish a single word about it. We were not advised that the bill was up for consideration, until it had already passed the Senate and House. We were unable to advise our Representative in reference to it, also some other Representatives, who have the fish interests of the State at heart. It seems to me that a bill of this kind should not be passed as a local measure, without investigation."

"I believe it is all right for counties, as a purely county matter, to close up small lakes and creeks in these counties as their people want it; but the closing of a large river like the St. Johns, is a state wide proposition, and not a local proposition."

This bill was evidently considered and treated as a local bill, as it was read the first time in the Senate May 23rd, read second and third times and passed May 24th; read first time in the House May 25th, and read second

and third time and passed May 26th. In neither house was it referred to a committee. Those opposed to the measure, therefore, had no opportunity of presenting their protest to members of the Legislature.

This bill passed the Senate in a flash. This bill passed the House in a flash. This bill is put to sleep, at least until the next Legislature, in a flash of this pen.

Very respectfully,

ALBERT W. GILCHRIST,
Governor.

And the Act, with the message of disapproval, was referred to the Committee on Game and Fisheries.

Also—

The following message of disapproval was read:

State of Florida, Executive Department.
Tallahassee, June 8, 1911.

Hon. H. Clay Crawford,
Secretary of State.

Sir:

In pursuance of the provisions of Section 28 of Article 3 of the State Constitution I have the honor to hand you herewith for filing the following Bill passed by the Legislature of 1911 from which my approval is withheld of the reasons stated below:

An Act to provide for the selection and securing of a site for Government Biological Station on the Gulf Coast of Florida.

The enacting clause of this Bill is as follows:

Section 1. Therefore, be it enacted by the Legislature.

The enacting clause, therefore, varies from the form prescribed by the Constitution, which makes the Bill fatally defective.

It may be stated that this Bill is practically a duplicate of another Bill which was enacted by the Legislature and has recently been approved by me. Such other Bill was in correct form and accomplished the

purpose for which the measure her transmitted was proposed.

Very respectfully,
ALBERT W. GILCHRIST,
Governor.

And the Act, with the message of disapproval, was referred to the Committee on Judiciary A.

Also—

The following message of disapproval was read:

State of Florida,
Executive Department.
Tallahassee, June 7, 1911.

Hon. H. Clay Crawford,
Secretary of State.
Capitol.

Dear Sir:

In pursuance of Section 28, Article III, of the State Constitution, I have the honor to hand you herewith the following Bill passed by the Legislature of 1911, on which my approval is withheld for the reasons herein stated:

"A Bill to be entitled An Act providing for an annual tax to be paid on all dogs, prescribing the manner in which said tax shall be paid and prescribing the penalty for any violation of this Act."

Section 1 provides for the payment of a tax of one dollar per head on each male dog and two dollars per head on each female dog in this State.

Section 2 provides for metal tags.

Section 3 provides for the killing of "any dogs not having attached to them the tax tag for the current year," "thirty days after any annual tax shall have become due on dogs."

Section 5 provides that "all dogs upon which the current dog tax has been paid shall be deemed and held to be personal property," etc.

At the rate of 25 mills on the dollar, a tax of one dollar per head on each male dog is equivalent to a valuation of \$40, the valuation of many 40 acres of land on

the tax books. On a female dog, on which the tax is two dollars, it is equivalent to a valuation of \$80. This would be but a small tax to some people. To the bulk of the people, however, owning dogs, it is an excessive tax. It would deprive many of our poorer citizens of the sentinel at home—a watch dog. Dogs are absolutely essential in the procurement of game. This would deprive many people of their storehouse. It would deprive many men, and especially the poorer men, of one of their most faithful friends. It will be remembered that Solomon in all his glory, possessed of a thousand wives, said about the close of his life, "Vanity of vanities—all is vanity." History does not show that he was possessed of one good, faithful dog, or he probably would not have been so despondent. Of all the animal conquests of man, there is no animal more responsive to kind and considerate treatment than is a dog. He will even lick the hand that strikes him. Some dogs are more faithful than some men. It is strange that so faithful and honest a friend as the dog is to man should so often be spoken of in terms of opprobrium and contempt. This Bill contains one good feature—that of making dogs personal property, but only after this excessive tax has been paid on them. Long since should all dogs have been declared personal property. This excessive tax is in contravention of Section 1 of Article IX of the State Constitution:

"Section 1. The Legislature shall provide for a uniform and equal rate of taxation, and shall prescribe such regulations as shall secure a just valuation of all property, both real and personal."

I cannot approve a bill which would deprive so many people, and especially the poorer people, of many of their true and faithful friends.

Very respectfully,

ALBERT W. GILCHRIST,
Governor.

And the Act, together with the message of disapproval, were referred to the Committee on Finance and Taxation.

Also the following message of disapproval was read:

State of Florida,
Executive Department,
Tallahassee, June 8, 1911.

Hon. H. Clay Crawford,
Secretary of State.

Sir:

In pursuance of the provisions of Section 28 of Article 3 of the State Constitution, I have the honor to hand you herewith for filing the following bill passed by the Legislature of 1911 from which my approval is withheld for the reason stated below:

An Act to permit the registered voters of Election District Number Twenty-Five of Marion County, Florida, to decide whether hogs shall be allowed to run at large in said District.

Section 8 of this Bill is as follows:

"Section 8: Any owner or owners of any hog or hogs in said district whether the owner or owners reside in the district or not, who shall, after said district has, by the whole or a majority of the legal voters thereof, decided that hogs may not run at large therein, allow any such hogs to them belonging to run at large in said district, the owner or owners of such hog or hogs shall be liable at law for any and all damages caused by reason of such hog or hogs running at large (contrary to this Act), and shall be liable to a fine of not to exceed fifty dollars, or imprisonment not to exceed ninety days."

This provision in the bill constitutes a violation of Section 20 of Article 3 of the State Constitution, that "The Legislature shall not pass special or local laws * * * for the punishment of crime or misdemeanor."

In the recent case of Harper vs. Galloway, 58 Fla. 255, and Snowden vs. Brown, 60 Fla. 212, the Supreme Court of Florida has passed upon acts of the Legislature, being local acts, prescribing penalties for the violation of the provisions thereof.

The Court has declared such to be unconstitutional. This is such a Bill. It is, therefore, in violation of Section 20 of Article 3 of the Constitution.

Very respectfully,
ALBERT W. GILCHRIST,
Governor.

And the Act, with the message of disapproval, was referred to the Committee on Judiciary A.

Also, the following message of disapproval was read:

State of Florida,
Executive Department.
Tallahassee, Fla., June 12, 1911.

Hon. H. Clay Crawford,
Secretary of State.

My dear Sir:

In pursuance of the provisions of Section 28 of Article III of the State Constitution, I have the honor to hand you herewith, for filing the following bill passed by the Legislature of 1911, from which my approval is withheld for the reasons stated below:

"An Act to provide for Quieting the Title to Real Estate Sold for State and County Taxes."

BE IT ENACTED BY THE LEGISLATURE OF THE
STATE OF FLORIDA:

"Sec. 1. That any person having a tax deed upon any real property sold for State and County taxes assessed thereon and not paid, or any other person holding such a title by direct or mesne conveyance from or under such a person who, in either case, has paid all the taxes on said real property legally payable after the date of the said tax deed and has also taken and held by himself or his predecessor in the tax title, actual possession of the said real property for not less than one year subsequent to the date of the tax deed and is then still in such possession, shall be entitled to file a bill in chancery to test and quiet the title to such real property."

Sec. 2. Where the owners of the property are unknown and the fact appears by direct allegation of the bill, the person to whom the property was assessed the year for the taxes of which the sale was had, and on which assessment and sale the tax deed is based, shall be made defendant to the bill; and if the owner is unknown, and the property has been assessed as unknown the property itself shall be made the defendant to the bill, and service shall be made by publication of the notice hereinafter provided. If the party defendant disclaims title, the land may be substituted as defendant. All bills filed

under this Act, shall be verified by the oath of the Complainant, his agent or solicitor.

Sec. 3. In every such proceeding the Clerk of the Circuit Court shall make an order which must be published in some newspaper published in the County, four calendar weeks immediately prior to the first possible Rule Day which order shall be in substantially the following form:

(Court and title of the cause, and description of the property).

To Whom it May Concern:

Upon the application of..... in the above entitled cause, it is ordered that on or before the..... Rule Day, being, A. D. in said Court you appear to and answer the bill filed and set forth the nature of your respective rights, to, interest in or heirs upon the real estate situate in the County of, and State of Florida above described.

It is further ordered that this order be published in a newspaper published in County, Florida, once a week for four calendar weeks prior to the said Rule Day.

Witness my hand and seal of the said Circuit Court this day of 19....

Clerk Circuit Court.

(Seal)

Proof of the publication of the order must be duly made by affidavit, and any person interested in said real property may become a defendant by filing an answer setting forth a sufficient interest. In all suits wherein such order and publication shall be made, the interests, rights and liens of all persons in, to and upon the said real property shall be concluded to the same extent as though they had been named and served as parties defendant in such suits.

Sec. 4. Proof of actual possession required by Section 1 of this Act shall be made in all cases whether the bill be taken as confessed or not and the final decree shall

definitely determine the title between the plaintiff and the defendant to the suit, and all persons claiming by, through or under either of them and in case the land be made a party defendant, the decree shall determine the title to the land absolutely and shall be an absolute bar against all other persons, unless the Court proceedings are void for want of jurisdiction. But in all cases before a decree pro confesso is entered the Court shall inquire whether there is any reason to believe that infants or lunatics are interested in the lands, and if there be found any such, shall protect their interests according to the usual course of chancery practice.

Sec. 5. The complainant in any suit brought under this Act may include all or any part of the lands to which he claims title, and shall not be required to bring separate suits on the real property described in each particular tax deed under which he claims title.

Sec. 6. The word "person" as used in this Act includes corporations. The singular includes the plural and the words "he" or "his" includes the feminine when the context so requires or admits."

The order provided to be published by Section 3 of this Bill shall be published in a newspaper published in County, Florida.

In securing tax deeds now, the purchaser of the tax certificate often makes it a point to publish the notice of application for tax deeds in some obscure paper, or in some paper published in a different part of the county than that in which he has cause to believe the land is situated. Often the land is assessed to some man who does not own the same. Under this Bill, upon such suit being brought, he would disclaim ownership. The lands would then be "substituted as defendant."

Under this Bill, the party claiming under a tax deed would only be required to hold "actual possession" for a year, in order to bring such a suit.

This Bill is unfair and is unjust to thousands of citizens of Florida, whose property may have accidentally been sold for taxes. It is unjust to thousands of non-residents. There are men who traffic in tax titles, trying to make much out of nothing. But a few make a business out of tax deeds. Those who do generally want

their "pound of flesh." Unlike Shylock, they are unwilling to pay for it.

Attention is invited to Section 591 of the General Statutes of Florida.

"When the purchaser of land at a tax sale goes into actual possession of such land, no suit for the recovery of the possession thereof shall be brought by the former owner or claimant, his heirs or assigns, or his or their legal representatives for the recovery of the possession of such land, unless such suit be commenced within four years after the purchaser at such tax sale goes into possession of the land so bought."

In my opinion, even "four years" is too short a time. If this time is to be changed at all, it should be changed to seven years instead of to "one year."

Attention is invited to the closing sentence of Section 3: "In all suits wherein such order and publication shall be made, the interests, rights and views of all persons in, to and upon the said real property shall be concluded to the same extent as though they had been named and served as parties defendant in such suits."

Just consider that such proceedings are brought under the rights derived from a one year's "actual possession" based on a tax title, about ninety per cent of which being illegal. Consider also the following quotation from Section 4: "The decree shall determine the title to the land absolutely, and shall be an absolute bar against all other persons."

The effect of this Bill would be to beat many poor and worthy people out of their property. It is absolutely unfair and unjust.

Very respectfully,

ALBERT W. GILCHRIST,
Governor.

And the Act with the message of disapproval was referred to the Committee on Judiciary B.

Also—

The following message of disapproval was read.

State of Florida,
Executive Department.
Tallahassee, June 7, 1911.

Hon. H. Clay Crawford,
Secretary of State.
My Dear Sir:

In pursuance of Section 28, Article III. of the State Constitution, I have the honor to hand you herewith for filing the following Bill passed by the Legislature of 1911, to which my approval is withheld for the reasons stated herein:

"A Bill to be entitled An Act to amend Section 2 of Chapter 5885 of the Laws of Florida, relating to pensions."

This Bill changes the pension act of 1909 by permitting to draw pensions certain soldiers "who performed service in actual line of duty for a period" instead of "who performed service in actual line of duty for a period of not less than one year," thus striking out the limiting clause of "not less than one year." Under this Bill, anyone who enlisted for but a few minutes, performed guard duty, or drew rations, would be entitled to a pension. There were many who were enlisted but who were discharged with practically no service. I submit that the placing of such on the pension roll is not fair to those soldiers who actually rendered substantial service during those trying times.

In the Act of 1909 appears the following: "And who was a bona fide citizen of this State continuously since 1895." This Bill strikes out that clause and substitutes therefor "and who has been a bona fide citizen of this State continuously for the full term of ten years next to and preceding his application for such pension." I understand it was argued in the Legislature that the fixing of the time in the Act of 1909, requiring continuous residence since 1895 was arbitrary. The Legislature evidently thought that those who had been citizens continuously since 1895 had done much toward the development of the State and were therefore more entitled to receive a pension than those who had come later. However, the fixing of the ten year limit of continuous citizenship is also arbitrary.

This Bill also amends the Act of 1909 by adding

thereto the following: "Provided, further, That any person who enlisted from this State and who is a bona fide resident of this State when this Act becomes a law, and whose service entitles him to a pension under the provision of this Act, shall be entitled to the emoluments of this Section." In my opinion, this is worthy of approval.

It will appear that this Bill does not change the condition of a widow which, according to Section 3 of the Act of 1909 must have "continuously resided in this State since 1895." If it were just to make more liberal conditions for a soldier or sailor, the application of the same scale of justice would apply more forcefully to that of the widow.

Florida is now paying more liberal pensions than any other Confederate State. Virginia appropriates \$425,000 for pensions, the rate being \$24, \$25, \$36, \$65 and \$150 per annum. The number of pensioners is unknown to me. North Carolina has 1,700 pensioners, appropriating \$500,000, the rate being \$26, \$48, \$60 and \$72. South Carolina paid in 1908 \$252,343.60 to 18,833 pensioners, the rate being \$21.20, \$27.08, \$48, \$72 and \$96. In 1907 Georgia paid \$32,685.55 to 15,607 pensioners, the rate being \$36, \$45 and \$60. In 1910 Florida paid \$644,606.52 to 5,905 pensioners, the rate being \$100, \$120, \$125 and \$150, a four-mill tax being assessed for the same. Alabama appropriates \$400,000 annually for pensions, the pensioners receiving \$50, \$60, \$80 and \$100 per annum. Tennessee appropriates \$300,000 for 6,100 pensioners, the average pension received being \$61.47. Mississippi appropriates \$400,000 for pensions, pensions being from \$37.55 to \$125 per annum. Arkansas pays \$540,000 to 8,784 pensioners, rate \$17.50 to \$70. Louisiana pays \$250,000 to 3,900 pensioners, rate \$68 to \$80. Texas appropriates \$500,000 for 8,950 pensioners, the rate being \$55 per annum.

For State purposes the Legislature now raises a four-mill tax for pensions, one mill for school purposes, one mill for common schools, one-half mill for State Board of Health and two mills for general revenue, total seven and a half mills. No Legislature has seemed willing to increase the millage to over 7½ mills. The Legislature of 1911 has made a liberal appropriation from the general revenue fund. Every appropriation, however, is subject to the operations of Chapter 5603, Acts of 1907.

"Section 1. That no board, department officer, commission or committee or other person or persons charged under the provisions of any act of the Legislature with the expenditure of any money payable out of the general revenue fund shall make any contract or incur any obligation for the payment of any sum out of the treasury of the State of Florida, except for the salaries of public officers and other current expenses of the State, except expenses of operation of schools, without first ascertaining from the Board of Commissioners of State Institutions that the funds necessary to meet such payments will be available when the same shall become due and payable and constitute a charge against the State."

"Sec. 2. Appropriations made for school purposes under any act of the Legislature shall be payable out of the first funds available under the provisions of this Act, after payment of the salaries of public officers and other current expenses as hereinbefore provided, and the moneys for such appropriations shall be available as fast as they come in without waiting for the whole amount of any such appropriation to be received into the Treasury."

The Legislature of 1911 appropriated \$431,000 for the State Institutions of higher learning. The last of the appropriations made by Chapter 5602, Acts of 1907, for the benefit of such institutions are being paid off at the present time.

It thus appears that the Legislature makes such appropriations and by failing to increase the millage for general revenue practically vetoes the prompt payment of the same, through the operation of Chapter 5603, Laws of Florida. It is quite apparent that the excessive millage of four mills for pensions practically ties every development in the State for which appropriation is necessary, making all the appropriations secondary to the objects mentioned in Chapter 5603. This will necessarily be continued until the levy of four mills for pensions is reduced or until the Legislature increases the millage for general revenue more than two mills, thereby increasing the total millage for State purposes exceeding seven and a half mills.

In my judgment the pension Act should be changed, striking off of the roll those who do not need the pension.

This could be done by reducing the property qualification from \$5,000 to a smaller amount, and by placing a limitation upon the income for those receiving pensions. Under the present law, there is absolutely no limitation upon the income. The following is given for information: in Virginia, no one is entitled to a pension who has a yearly income of over \$200, and owns property exceeding \$750; in North Carolina the property valuation is fixed at \$500, and the annual income at \$300. I have not the property or income qualifications of pensions in South Carolina, Georgia, Tennessee or Texas. In Alabama the property qualification is \$400, income \$300. In Mississippi the property qualification is \$600. I have not the information as to income qualification. In Arkansas the property qualification is \$400, income \$150. In Louisiana, pensioners must be in indigent circumstances and unable to earn a livelihood by their own labor or skill. In all of these states, limitations as to the value of property and as to the amount of annual income are entirely too small.

The highest pension now paid to any one person in Florida is \$150. I would increase this to \$250 or to \$300 to such as are totally disabled and who actually need the money. I would lower the property qualification from \$5,000 to some lower amount. I would place an income qualification. People who pay much taxes rarely ever object to the pension tax. People who are poor and who pay but a small amount of taxes complain of paying any taxes for the benefit of any one who does not need the money. Pensions to Confederate Veterans who do not need the money, bring these heroes of the Lost Cause into disrepute.

These amendments to the Pension Law, although called general, are usually drawn to meet a special case of some veteran living in the county of the member of the Legislature who draws the bill. There are but few members of the Legislature who would vote against any pension bill of any nature whatsoever. For instance, this particular bill passed the Senate by a vote of 26 to nothing, and passed the House by a vote of 46 to 14. Some members of the Legislature will vote for any pension bill, although it is not demanded by the veterans at large. Some seem to think that their very political existence depends upon such a yea vote. A little thought would tell them that

such a bill is designed, primarily, to place on the pension roll one or two men residing in the county of the introducer of the bill. Every man in Florida is in favor of a pension to worthy Confederate Veterans who need assistance. Such pensions should not be of such an amount as to prevent the State from making appropriations for worthy purposes.

Should the next Legislature see fit to amend the pension laws, I would recommend the enactment of a new law. Under no circumstances would I recommend the passage of a law placing upon the pension roll those who served no specific length of time, as does this bill, or the passage of a bill changing the time by which soldiers and sailors could, on a shorter time of resident, receive pensions, as does this bill, without a corresponding consideration being shown to the widows of such soldiers and sailors.

Very respectfully,
ALBERT W. GILCHRIST,
Governor.

And the Act with the message was referred to the Committee on Pensions.

Also—

The following message of disapproval was read:

State of Florida,
Executive Department,
Tallahassee, June 10, 1911.

Hon. H. Clay Crawford,
Secretary of State.

My Dear Sir:

In pursuance of Section 28, Article III. of the State Constitution, I have the honor to hand you herewith the following Bill passed by the Legislature of 1911, on which my approval is withheld for the reasons herein stated:

"A Bill to be entitled An Act to prohibit the soliciting of orders for the sale of intoxicating liquors in counties and districts wherein the sale is prohibited and to provide a penalty therefor."

"Section 1. That it shall be unlawful for any person or persons, firm, corporation, or any officer of any corporation, or for any agent of such person or persons, firm

or corporation, to directly or indirectly, by any means soever, solicit orders for the sale of any spirituous, vinous or malt liquors in any county or district of this State wherein the sale of such liquors is prohibited by law."

Section 2 relates to the penalty.

Examining Section 1 it appears that no such person or persons, firm or corporation, or agent could solicit such orders through advertisements in newspapers, or by letters through the mail. As such person or persons, firm, corporation or agent living in other States could do such, this is a discrimination against such person, or persons, firm, corporation, or their agents doing business in this State. It also operates as a discrimination against newspapers in this State, as no such person, or persons, firm or corporation, residing in Florida, or their agents could solicit by advertisements in any newspaper in Florida. It thus apparently operates as a discrimination against newspapers in Florida. Such discrimination is prohibited by Section 2 of Article IV. of the Constitution of the United States.

"Sec. 2. The citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States."

Section 1 of Article XIV. of the Constitution of the United States: "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor deny to any person within its jurisdiction the equal protection of the laws."

In the case of the State ex rel Russell H. Hoadley et al, Relators vs. the Board of Insurance Commissioners of the State of Florida, Respondents, Mandamus, January Term, 1896, the Supreme Court of the State of Florida, Vol. 37, page 564, there appears in the head notes the following:

"Section 2, Article IV. of the Constitution of the United States places citizens of each State upon the same footing with the citizens of other States, so far as the advantages resulting from citizenship in those States are concerned, and inhibits discriminating legislation against them by other States. It insures to citizens of one State the same freedom possessed by citizens in other

States in the acquisition and enjoyment of property and pursuit of happiness and guarantees to them in other States equal protection of their laws."

This proposed Act is clearly unconstitutional. Had the same related to personal solicitation there would have been no discrimination. Had such been the case, it would have afforded me pleasure to approve the same.

Very respectfully,

ALBERT W. GILCHRIST,
Governor.

And the Act, with the message of disapproval, was referred to the Committee on Temperance.

Also the following message of disapproval was read:

State of Florida,
Executive Department,
Tallahassee, June 8, 1911.

Hon. H. Clay Crawford,
Secretary of State.

Sir:

In pursuance of the provisions of Section 28 of Article 3 of the State Constitution, I have the honor to hand you herewith for filing the following bill, passed by the Legislature of 1911, from which my approval is withheld for the reasons stated below:

An Act to amend Section 1808 of the General Statutes, fixing the regular terms of the Circuit Court of the Fourth Judicial Circuit:

On June 5, 1911, I approved An Act entitled as follows:

"An Act to prescribe the time for holding the terms of the Circuit Courts in and for the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth and Eleventh Judicial Circuits of the State of Florida."

In such act fixing the time for holding the terms of the Circuit Court in all of the circuits the identical time for the terms in the Fourth Circuit prescribed by the bill herewith transmitted were fixed. It is consid-

ered unnecessary to cumber the record by re-enacting the same provision of law in a separate act.

Very respectfully,

ALBERT W. GILCHRIST,
Governor.

And the Act, with the message of disapproval, was referred to the Committee on Judiciary A.

ORDERS OF THE DAY.

Senate Bill No. 92:

A Bill to be entitled An Act to define domestic and foreign investment companies; to provide for the regulation and supervision of same; to provide conditions and terms under which corporations, foreign and domestic, can sell to persons in Florida, stock and other securities; to place such investment companies under the jurisdiction of the Comptroller and Attorney General, and to prescribe for the Comptroller and Attorney General certain duties and powers; to provide for a review of their decisions by the Railroad Commission of the State of Florida; to provide for the service of process thereon; to provide for the registration of agents selling securities of such investment companies, and to provide penalties for the violations of the terms of this Act, and for other purposes.

Was then taken up and read again for information.

By consent Mr. Watson called up—

Senate Bill No. 52:

A Bill to be entitled An Act to regulate the sale of stocks, bonds and other corporate securities, to define dealers therein, and to provide penalties for violations of this Act.

To be considered in connection with Senate Bill No. 91.

Senate Bill No. 52 was read the second time in full.

Mr. Watson offered the following substitute for Senate Bill No. 92:

Substitute for Senate Bill No. 92:

"A Bill to be entitled An Act to regulate the sale of

stocks, bonds, and other corporate securities, to define dealers therein, and to provide penalties for violations of this Act."

Mr. Watson moved to adopt substitute in lieu of the original Bill.

Pending which—

Mr. Cone moved that further consideration of Senate Bills Nos. 92 and 52 be made orders of day for Thursday, April 24.

Which was agreed to.

Senate Bill No. 20:

A Bill to be entitled An Act dividing the State of Florida into four Congressional districts and prescribing and setting forth the territorial limits and boundaries of each district.

Mr. Malome moved that the bill be temporarily passed and 200 copies printed.

Which was agreed to.

Mr. Johnson moved that Senate Bill No. 20 be made an order of the day for Thursday, April 24.

Which was agreed to.

Senate Bill No. 49:

A Bill to be entitled An Act to establish a State Forest Commission; to promote conservation of forest resources of the State; to provide for the proper administration of same; to acquire lands; to prevent and suppress forest fires; and to provide penalties for the violation of this Act.

Mr. Lindsey moved that Senate Bill No. 49 be made an order of the day for Thursday, April 24th.

Which was agreed to.

The hour of 11 o'clock having arrived—

Senate Bill No. 12:

A Bill to be entitled An Act to provide for the appoint-

ment of deputy sheriffs in the several counties of this State, and fixing their qualifications.

Which was made a special Order of the Day for 11 o'clock A. M., Wednesday, April 23d.

Was taken up and read a second time in full for information.

The Committee Amendment which was adopted, was also read for information.

The amendment, offered by Mr. Adkins, which was also adopted, was also read.

Mr. Himes moved that the Bill be temporarily passed, while he could prepare proposed amendments.

Which was agreed to.

Senate Bill No. 12 was again taken up for consideration.

Mr. Himes offered the following amendment:

"In Section 1, line 9, strike out "three" and insert in lieu thereof the following: "five."

Mr. Himes moved to adopt the amendment.

Which was agreed to.

Mr. Himes offered the following amendment:

In Section 1, at its conclusion add: "In case of disorders of a general nature, the sheriff may appoint such temporary deputies as necessary to preserve the peace, who shall not be required to give any bond."

Mr. Himes moved to adopt the amendment.

Which was agreed to.

There being no further amendments, Senate Bill No. 12, as amended, was referred to Committee on Engrossed Bills.

BILLS ON THIRD READING.

Senate Bill No. 36:

A Bill to be entitled An Act to permit and provide for the recording of certified copies of deeds, mortgages and other instruments in the public records of other counties and to prescribe the effect thereof.

Was taken up and was passed over temporarily.

Mr. Wall moved that at the session to be held tomorrow afternoon at 4 o'clock, bills on Senate Special Calendar be considered.

Which was agreed to.

By Mr. McCreary—
Senate Bill No. 82:

A Bill to be entitled An Act for the protection and preservation of the robin and prescribing a penalty for any violation thereof.

Was taken up and read the third time in full.

Upon the passage of Senate Bill No. 82, the vote was:
Yeas—Senators Adkins, Blitch, Brown, Calkins, Carney, Cone, Conrad, Culpepper, Finlayson, Himes, Hudson, Johnson, L'Engle, Lindsey, McCreary, McLeod, Roddenberry, Stringer, Stokes, Wall, Watson, Zim—22.

Nays—Mr. Speaker, Senators Davis, Igou, McGeachy, McClellan, Wells—6.

So the Bill passed, title as stated.

And the same was ordered to be certified to the House of Representatives.

Mr. Stokes, on behalf of the Chamber of Commerce and of the people of Pensacola, extended an invitation to the Senators to visit Pensacola and be the guests of that city upon the occasion of the visit of Secretary of War Daniels on May 6th, 1913.

Mr. Calkins moved that the invitation be accepted by the Senate.

Which was agreed to.

Senate Bill No. 98:

A Bill to be entitled An Act to fix the salaries of the Administrative Officers of the State and to make disposition of all fees and perquisites.

Was taken up and read the third time in full.

Upon the passage of Senate Bill No. 98, the vote was:
Yeas—Mr. President, Senators Adkins, Blitch, Brown,

Calkins, Carney, Cone, Conrad, Culpepper, Davis, Finlayson, Himes, Hudson, Igou, Johnson, L'Engle, Lindsey, Malone, McCreary, McGeachy, McClellan, McLeod, Roddenberry, Stringer, Stokes, Wall, Watson, Wells, Zim—29.
—29.

Nays—None.

So the Bill passed, title as stated, and the same was ordered to be certified to the House of Representatives.

BILLS ON SECOND READING.

Committee Substitute—

Senate Bill No. 26:

A Bill to be entitled An Act to amend Section 800 of the General Statutes of the State of Florida relating to the duties of Tax Collectors and Trustees of County Bonds, with reference to money collected for the purpose of paying interest or for sinking fund.

Was taken up and read the second time in full.

Mr. Johnson moved that the substitute be adopted.

Which was agreed to.

There being no amendments, Senate Bill No. 26 was ordered placed on the Calendar of Bills on third reading without being engrossed.

Senate Bill No. 115:

A Bill to be entitled An Act for the relief of H. E. Murree for loss of fees during his suspension from the office of Sheriff of Lake County.

Was taken up and informally passed.

Senate Bill No. 119:

A Bill to be entitled An Act relating to the election of United States Senators and to the appointment of such Senators when vacancies happen in the representation of this State in the Senate of the Congress of the United States.

Was taken up and read the second time in full.

There being no amendments, Senate Bill No. 119 was ordered placed on the Calendar of Bills on third reading without being engrossed.

Senate Bill No. 118:

A Bill to be entitled An Act to amend Chapter 5697 of the Acts of 1907, Laws of Florida, the same being an Act to amend Section 270 of the General Statutes of the State of Florida relating to the nomination of members of Boards of County Commissioners and members of County Boards of Public Instruction of this State.

Was taken up and read the second time in full.

Mr. Malone moved to indefinitely postpone Senate Bill No. 118.

Upon which a yea and nay vote was demanded.

The roll was called and the Senators voted as follows:

Yeas—Senators Blitch, Calkins, Carney, Cone, Conrad, Culpepper, Hudson, Igon, Malone, McLeod, Stokes, Wall, Watson, Zim—14.

Nays—Mr. Speaker, Senators Adkins, Brown, Davis, Finlayson, Himes, Johnson, L'Engle, Lindsey, McCreary, McGeachy, McClellan, Roddenbery, Stringer, Wells—15.

And the Senate refused to indefinitely postpone Senate Bill No. 118.

There being no amendments Senate Bill No. 118 was placed on Calendar of Bills on second reading.

Mr. Stokes moved that the Senate do now take a recess until 4 o'clock P. M. this afternoon.

Which was agreed to.

Thereupon the Senate took a recess until 4 o'clock P. M. this day.

AFTERNOON SESSION—4 O'CLOCK.

The Senate was called to order by the President at 4 o'clock P. M., pursuant to recess order.

The roll being called the following members answered to their names:

Mr. President, Senators Adkins, Blitch, Brown, Calkins, Carney, Cone, Conrad, Cooper, Culpepper, Davis, Donegan, Finlayson, Himes, Hudson, Igon, Johnson, L'Engle, Lindsey, Malone, McCreary, McGeachy, McClellan, McLeod, Roddenbery, Stringer, Stokes, Wall, Watson, Wells, Wilson, Zim—32.

ORDERS OF THE DAY.

Senate Bill No. 97:

A Bill to be entitled An Act fixing the penalty for writing or composing and sending or procuring the sending of letters or inscribed communications threatening to kill or do bodily harm.

Was taken up and read the second time in full.

Senate Bill No. 97 was referred to the Committee on Engrossed Bills.

Senate Bill No. 35:

A Bill to be entitled An Act to amend Section 2 of Chapter 5717, Laws of Florida, Acts of 1907, entitled: "An Act to prescribe the terms and conditions upon which foreign corporations for profit may transact business, or acquire, hold or dispose of property in this State."

Was taken up and read the second time in full.

There being no amendments, Senate Bill No. 35 was ordered placed on the Calendar of Bills on third reading without being engrossed.

MESSAGES FROM THE HOUSE.

The following message from the House of Representatives was read:

House of Representatives.
Tallahassee, Fla., April 23, 1913.

Hon. H. J. Drane,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has adopted the following House Resolution, and is herewith presented as the invitation of the House.

House Resolution No. 84:

Whereas, The Honorable John H. Wallace, Jr., Commissioner of Alabama Department of Game and Fish, and President of the Alabama Forestry Commission, the author of the game, the fish, the forestry and the oyster

laws of Alabama, and many other states, and an expert on the subjects is in Tallahassee in response to the invitation extended to him by the House of Representatives for the purpose of addressing this body on the great subject of conservatism for thirty minutes at 8 o'clock this evening; now, therefore be it,

Resolved, That an invitation be and the same is hereby extended to the Senate to be present in a body for the purpose of hearing the address of our distinguished guest.

Very respectfully,

J. G. KELLUM,
Chief Clerk of the House of Representatives.

Mr. Watson moved that the invitation be accepted.
Which was agreed to.

Mr. Johnson moved that the action of the Senate be immediately certified to the House.

Which was agreed to.

Mr. Cone asked unanimous consent to introduce a Bill.
Which was agreed to.

By Mr. Cone—
Senate Bill No. 227:

A Bill to be entitled An Act to amend Section 6 of Chapter 5885 of the Laws of Florida, relative to proof required by applicants for pensions.

Which was read the first time by its title and referred to the Committee on Pensions.

By Unanimous Consent—

Mr. Zim, Chairman of Committee on Labor, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 23, 1913.

Hon. H. J. Drane,
President of the Senate.

Sir:

Your Committee on Labor, to whom was referred—

Senate Bill No. 86:

A Bill to be entitled An Act to provide a penalty for coercing or influencing or making demands upon or requirements of employes, servants, laborers and persons seeking employment.

Also—

Senate Bill No. 136:

A Bill to be entitled An Act constituting eight hours as a legal day's work by persons employed or hereafter employed by or in behalf of the State of Florida or any county, city, township or other municipality in said State.

Have had the same under consideration and report them back without recommendation.

Very respectfully,

LEWIS W. ZIM,
Chairman of Committee.

Senate Bills Nos. 86 and 136, contained in the above report, were placed on Calendar of bills on second reading.

Mr. A. Z. Adkins, Chairman of Committee on Judiciary A, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 23, 1913.

Hon. H. J. Drane,
President of the Senate.

Sir:

Your Committee on Judiciary A, to whom was referred—

Senate Bill No. 202:

A Bill to be entitled An Act to amend Chapter 5945 of the laws of the State of Florida, entitled "An Act to amend Section 658 of the General Statutes of the State of Florida, relating to the number of copies of Statutes and disposition thereof."

Had the same under consideration and recommend that it do pass.

Also—

Senate Bill No. 178:

A Bill to be entitled An Act to prevent cruelty to children and to regulate and provide for the control and custody in certain cases.

Had the same under consideration and recommend that it do pass.

Also—

Senate Bill No. 220:

A Bill to be entitled An Act to legalize and validate a call for an election, and an election held in pursuance of such call in the Town of Milton, in Santa Rosa County, Florida, on the 26th day of April, A. D. 1910, for the purpose of determining whether or not said town should issue certain bonds and to legalize and validate the bonds issued in pursuance of said election.

Had the same under consideration and recommend that it do pass.

Also—

Senate Bill No. 221:

A Bill to be entitled An Act to amend Chapter 6374 of the Laws of Florida, Acts of 1911, the same being An Act to legalize and validate a call for an election, and an election held in pursuance of such call in the Town of Milton, Santa Rosa County, Florida, on the 26th day of April, A. D. 1910, for the purpose of determining whether or not said town should issue certain bonds and to legalize and validate the bonds issued in pursuance of said election.

Have had the same under consideration and recommend that it do pass.

Very respectfully,

A. Z. ADKINS,
Chairman of Committee.

Senate Bills Nos. 202, 178, 220 and 221, contained in the above report, were placed on Calendar of Bills on second reading.

Mr. A. Z. Adkins, Chairman of Committee on Judiciary A, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 23, 1913.

Hon. H. J. Drane,
President of the Senate.

Sir:

Your Committee on Judiciary A, to whom was referred—

Senate Bill No. 214:

A Bill to be entitled An Act to amend Section 1587 of the General Statutes of the State of Florida, relating to providing meals for jurors.

Have had the same under consideration and recommend that it do pass.

Very respectfully,

A. Z. ADKINS,
Chairman of Committee.

Senate Bill No. 214, contained in the above report, was placed on Calendar of Bills on second reading.

Senate Chamber,
Tallahassee, Fla., April 23, 1913.

Hon. H. J. Drane,
President of the Senate.

Sir:

Your Committee on Enrolled Bills, to whom was referred—

House Bill No. 56:

A Bill to be entitled An Act providing for the creation of Bay County, in the State of Florida, and for the organization and government thereof.

Have carefully examined the same and find it correctly enrolled.

Very respectfully,

S. P. RODDENBERY,
Chairman of Committee.

And the Act contained in the above report was referred to the Joint Committee on Enrolled Bills.

Senate Chamber,
Tallahassee, Fla., April 23, 1913.

Hon. H. J. Drane,
President of the Senate.

Sir:

Your Joint Committee on Enrolled Bills, to whom was referred—

House Bill No. 56:

A Bill to be entitled An Act providing for the creation of Bay County, in the State of Florida, and for the organization and government thereof.

Have carefully examined the same and find them correctly enrolled.

Very respectfully,

S. P. RODDENBERY,
Chairman of Committee.

And the Act contained in the above report was ordered referred to the Joint Committee on Enrolled Bills, to be conveyed to the House of Representatives, for the signatures of the Speaker and the Chief Clerk thereof.

Senate Chamber,
Tallahassee, Fla., April 23, 1913.

Hon. H. J. Drane,
President of the Senate.

Sir:

Your Joint Committee on Enrolled Bills, to whom was referred—

House Bill No. 56:

A Bill to be entitled An Act providing for the creation of Bay County, in the State of Florida, and for the organization and government thereof.

Beg leave to report that the same has been duly signed by the Speaker and Chief Clerk of the House of Representatives, and is herewith presented to the Senate for the signatures of the President and Secretary thereof.

Very respectfully,

S. P. RODDENBERY,
Chairman of Committee.

ENROLLED.

The President announced that he was about to sign—

House Bill No. 56:

A Bill to be entitled An Act providing for the creation of Bay County, in the State of Florida, and for the organization and government thereof.

As corrected by the Committee on Enrolled Bills and the Joint Committee on Enrolled Bills.

The Act was therefore duly signed by the President and Secretary of the Senate, and ordered returned to the Chairman of the Joint Committee on Enrolled Bills to convey to the Governor for his approval.

Senate Chamber,
Tallahassee, Fla., April 23, 1913.

Hon. H. J. Drane,
President of the Senate.

Sir:

Your Joint Committee on Enrolled Bills, to whom was referred—

House Bill No. 56:

A Bill to be entitled An Act providing for the creation of Bay County, in the State of Florida, and for the organization and government thereof.

Beg to report that the same has been presented to the Governor for his approval.

Very truly,

S. P. RODDENBERY,
Chairman of Committee.

ORDERS OF THE DAY.

The hour of 4:10 P. M. having arrived—

House Bill No. 103:

A Bill to be entitled An Act to fix the liability of persons, firms and corporations engaged in the telegraph business in certain cases, providing for assessing the

damages and granting of new trials in such cases, and to declare illegal and void certain stipulations and provisions in contracts exempting such persons, firms and corporations from liability in certain cases.

Which was made a special Order of the Day for 4:10 P. M., Wednesday, April 23rd, 1913.

Was taken up in its special order and read the second time in full.

Mr. Stokes offered the following amendment to House Bill No. 103:

In Section 3, line 10, in printed Bill, strike out "And correctly."

Mr. Stokes moved to adopt the amendment.

Which was agreed to.

Mr. Stokes offered the following amendment to Senate Bill No. 103:

In Section 2, line of printed Bill, strike out all of Section 2 following and including the word "and."

Mr. Stokes moved to adopt the amendment.

Which was agreed to.

Mr. Stringer offered the following amendment to Senate Bill No. 103:

In the original Bill, strike out the words and figures "Twenty-five hundred (\$2500.00) in Section 2, and insert in lieu thereof the following "One hundred dollars (\$100.00)."

Mr. Stringer moved to adopt the amendment.

Pending which—

Mr. Finlayson moved that the Senate do now adjourn until tomorrow morning at 10 o'clock.

Which was agreed to.

Thereupon the Senate stood adjourned until Thursday morning, April 24, at 10 o'clock.

Thursday, April 24, 1913

The Senate met pursuant to adjournment.

The President in the Chair.

The roll being called the following Senators answered to their names:

Mr. President, Senators Adkins, Blitch Brown, Calkins, Carney, Cone, Conrad, Cooper, Culpepper, Davis, Finlayson, Himes, Hudson, Igou, Johnson, L'Engle, Lindsey, Malone, McCreary, McGeachy, McClellan, McLeod, Roddenbery, Stringer, Stokes, Wall, Watson, Wells, Wilson, Zim.

A quorum present.

Prayer by the Chaplain.

The reading of the Journal was dispensed with.

The Journal of April 22d was corrected.

The Journal of April 22d was approved as corrected.

Mr. Johnson moved that the number of daily Senate Calendars be increased, and that the Secretary be instructed to have 250 copies printed daily.

Mr. Johnson moved to adopt the resolution.

Which was agreed to.

REPORTS OF COMMITTEES.

Mr. Himes, Chairman of Committee on Finance and Taxation, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 23, 1913.

Hon. H. J. Drane,
President of the Senate.

Sir:

Your Committee on Finance and Taxation, to whom was referred—

Senate Bill No. 143:

A Bill to be entitled An Act to amend Chapter 5597, Laws of Florida 1907, imposing licenses and other taxes, providing for the payment thereof, and prescribing penal-